

**COMMISSION ON CHILDREN'S JUSTICE**  
**FEBRUARY 3, 2003**  
**MEETING MINUTES**

Members Present: Judges John Holstein, Chair, Glenn Norton, Vice Chair, Susan Block, Thomas Frawley, Nancy Rahmeyer, Roy Richter, and James Welsh; Commissioner John Payne; Senators Peter Kinder, Pat Dougherty, Bill Foster, and Anita Yeckel; Representatives Catherine Hanaway, Bryan Stevenson, Yvonne Wilson; Julie Cole-Agee, Beth Dessem, Deanna Gallagher, Patrick Lynn, Frank Martin, Steve Renne, Melanie Scheetz, and Andrea Whitfield

Members Not Present: Betty Sims

Commission Staff Present: Gary Waint, Charles Caisley, Shawn McCarver, and Lynette Ricks

**I. CALL TO ORDER/INTRODUCTIONS**

The Commission on Children's Justice was called to order by the Honorable John C. Holstein, Chair, at the Missouri State Capitol, House Hearing Room 6, Jefferson City, Missouri at 10:00 a.m. Commission members introduced themselves, and Judge Holstein introduced the Commission staff.

Judge Holstein briefed the Commission on how the meetings will be conducted.

- ◆ All meetings will follow the Robert's Rules of Order and all meetings will start and stop on time.
- ◆ An interim report will be submitted to the Supreme Court, Governor, and the General Assembly on or before March 28, 2003. The Commission will set a date for submission of its final report.
- ◆ Individual members may delegate their respective staff to attend the meetings.
- ◆ Judicial personnel, Frank Martin, Beth Dessem, and OSCA staff shall submit expenses for reimbursement to the Office of State Courts Administrator (Gary Waint or Lynette Ricks). All other members shall submit expenses to their respective agencies.
- ◆ Any person or agency desiring to make a presentation in person to the Commission must be sponsored by a Commission member. The Commission will accept written comments from any member of the public. Any person desiring to submit written comments should send those comments to Gary Waint, Office of

State Courts Administrator, 2112 Industrial Drive, P.O. Box 104480, Jefferson City, Missouri 65110.

- ◆ The Chair will allocate specific amounts of time to each presentation.

## **II. REVIEW COMMISSION CHARGE AND MEMBERSHIP**

Judge Holstein read the charge and thanked the Commission members for agreeing to serve.

The legislative branch indicated Monday mornings would be the best days to conduct meetings; therefore, Judge Holstein requests all members to plan to meet every Monday during February and March 2003, from 10 a.m. to 12 noon.

## **III. INVESTIGATIVE REPORTS**

### **A. Report of the Investigation of the Child Welfare System in Greene County, Missouri**

Patrick Lynn and Richard C. Dunn presented the Report of the Investigation of the Child Welfare System in Greene County, Missouri.

Governor Holden initiated the investigation following the death of Dominic James. The Governor appointed the Honorable Frank Conley, Senior Judge, Richard C. Dunn, Vice President of Development Management Services, Patrick Lynn, Senior Policy Advisor, Office of the Governor, and the Missouri State Highway Patrol to conduct the investigation. The scope of the investigation was to review what had transpired in the James case and the child welfare system in Greene County as it pertains to foster care.

Mr. Dunn explained that the scope of the investigation was a systematic analysis of the entire child welfare system in Greene County, Missouri. The investigation included a community meeting that began at 6 p.m. and ended at 3 a.m. Four to five hundred people attended the meeting. Throughout the investigation there was evidence of breakdown of confidence in the child welfare system in Greene County.

Comments and interviews and the public hearing revealed a lack of confidence in the Greene County child welfare system. Complaints were heard regarding intrusiveness by DFS, absence of sensitivity on the part of DFS and the courts, the use by DFS of "Gestapo tactics" all resulting in a lack of confidence in DFS. The investigation also revealed that biological parents, foster parents, and DFS workers feared reprisals from DFS management. Parents state that after complying with treatment plans the rules and goals were changed and the process of reunification between children and families became never ending, resulting in failure by the parents and, in some cases, termination of parental rights. The investigation also revealed that DFS management is out of touch with the needs of staff and community. The public perception of DFS management is that it is biased and adversarial.

Evidence of dysfunction in the Greene County child welfare system was presented and is detailed in the written report circulated to the Commission.

The investigators were impressed with the commitment and dedication of most DFS social workers. They truly were suffering a great deal of pain in the course of situation and were frustrated about not being able to do their jobs. The individual DFS workers were clearly committed to the children in their care. Workers frequently worked overtime and made extra efforts to provide for the families on their caseloads.

Caseload overload, lack of supervision and training and a dysfunctional Family Support Team system hindered the workers.

The investigation also revealed that current background checks of care providers are ineffective and that there was a “disconnect” between DFS and the juvenile court.

The investigators recommended immediate attention in order to avoid a greater breakdown in services and serious problems in the Greene County child welfare system.

The report recommended, among other things, the creation of an ombudsman and a citizens review panel.

The report also recommended enhanced training, reduced caseloads and an evaluation of the ability of current personnel to develop innovative new programs and to effectively deliver those programs.

The presenters responded to questions from several members of the Commission.

Judge Holstein thanked Patrick Lynn and Richard C. Dunn for their attendance and work involved in the investigation.

## **B. Report of the Senate Interim Committee to Improve Children’s Protective Services and Foster Care**

Senator Bill Foster presented the Report of the Senate Interim Committee to Improve Children’s Protective Services and Foster Care. The Committee was charged with the duty to review laws, policies and regulations, study the range, level, and types of services provided publicly and privately and make recommendation to improve protective services and foster care.

The Committee held four public hearings at St Louis, Kansas City, Springfield, and Jefferson City. The findings of the Committee were similar to the Greene County report. The Committee was overwhelmed with the information received from the community. The community would like to see more consistency throughout Missouri.

Senate investigators heard evidence related to abuse of discretion by courts, the lack of trust due to the secret nature of child abuse/neglect court proceedings and the fact that hearings were frequently not held on a timely basis.

The Committee also heard testimony about the Court Improvement Project in which protective custody hearings are held within three days of removal, adjudicatory hearings are held within sixty days and review hearings are held every ninety to one hundred twenty days.

The Senate Interim Report was made available to the Commission, and identified in inadequate pre-removal services, lack of consistency, DFS abuse of power, lack of accountability, higher risk of harm of children in foster care, underutilization of kinship care as problems in the protective services and foster care system statewide.

The Senate Interim Report recommended full implementation of the “Best Practices” already developed by OSCA, increased efforts to preserve families, increased use of relative care instead of foster care, implementation of uniform procedures, accountability, safeguards of children in foster care and the privatization of certain child care services.

Judge Holstein thanked Senator Foster for his presentation.

#### **IV. GOVERNOR’S REORGANIZATION PLAN FOR SOCIAL SERVICES**

Denise Cross, Director of Division of Family Services (DFS) presented information about the reorganization plan for the Department of Social Services (DSS).

The plan outline was under development prior to the death of the foster child in Greene County, Missouri. A chart provided to the Commission illustrated the plan. Essentially, DSS presently has four divisions, the Division of Child Support Enforcement, the Division of Family Services, the Division of Medical Services, and the Division of Youth Services. The reorganization plan will not affect the Divisions of Medical Services or Youth Services.

Under the proposed reorganization, DFS and DCSE will be renamed the “Family Support Division” and the “Children’s Division.” Some of the current duties assigned to DFS and DCSE will be transferred to the Department of Revenue, the Department of Economic Development and the State Child Fatality Review Panel.

The new Family Support Division will administer certain child support enforcement duties and the Income/Maintenance Programs. The Children’s Division will administer all children’s services.

The Department of Social Services is moving toward a regional approach to bring the regions into alignment with the judicial circuits. It is hoped that this will improve consistency and increase accountability.

Judge Holstein thanked Ms. Cross for appearing.

## **V. PENDING LEGISLATION**

Due to lack of time remaining, the Chair announced that this agenda item would be discussed at the next meeting.

## **VI. JUDICIAL INITIATIVES**

Judge Thomas Frawley, Chair of Supreme Court Family Court Committee, informed the Commission about the “Best Practices” Resource Guide for use by courts in abuse and neglect cases.

The Best Practices Work Group has completed its work on the first installment of the Resource Guide for judges with bench cards to assist judges in timely, efficient and consistent handling of abuse/neglect cases. Bench cards related to the initial protective custody order, the protective custody hearing, the adjudication hearing, and the dispositional hearing have already been completed and circulated to judges. The Work Group is continuing its work on the second installment of the bench cards that will address post dispositional hearings and related matters.

The Family Court Committee and the Office of State Courts Administrator has scheduled seven trainings at five sites. Trainings will be held in Cape Girardeau, Columbia, Springfield, St. Louis, and Kansas City. Two trainings will be held in both St. Louis and Kansas City due to increased need. Chief Justice Limbaugh has issued a letter mandating that the training be attended by all judges and family court commissioners unless specific permission is received excusing attendance. The training will be open to juvenile officers, court appointed special advocates, guardians ad litem and others who work in the system.

Judge Frawley’s committee is undertaking a study to recommend appropriate time standards for the hearing of child abuse/neglect proceedings. The Committee has not yet dealt with the question of opening child abuse/neglect proceedings and public availability of court records of such proceedings.

Judge Frawley responded to numerous questions from the Commission.

Judge Holstein thanked Judge Frawley for his presentation.

## **VII. SUGGESTIONS FOR AGENDA**

Judge Holstein reiterated the guidelines set forth above for written submissions from the public and personal presentations to the Commission. Judge Holstein also reminded those present that the Chair will set time limits for each discussion item or presentation based upon the number of items in relation to the time available.

## **VIII. NEXT MEETING/ADJOURNMENT**

The Commission will reconvene Monday, February 10, 2003, in the Division II Courtroom at the Missouri Supreme Court.

The meeting was adjourned at noon.